

Message

From: Baumgartner, Donald [baumgartner.donald@epa.gov]
Sent: 6/27/2021 9:20:34 PM
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Subject: WPS AEZ Status Update for SLAs - updated stay date (AEZ injunction extended until August 18)

The message further below was shared with AAPCO membership recently. The gist of the message is that the 2020 revised AEZ remains under a Court Stay, now until August 18, 2021. The text below is provided as background from the EPA web site linked below.

<https://www.epa.gov/pesticide-worker-safety/worker-protection-standard-application-exclusion-zone>

“On October 30, 2020, EPA finalized updates to the AEZ provisions under the WPS. The 2020 Rule, originally set to go into effect on December 29, 2020, made modifications to the 2015 WPS/AEZ requirements.

In December 2020, two petitions were filed in the U.S. District Court for the Southern District of New York and in the U.S. Second Circuit Court of Appeals challenging the 2020 Rule (now consolidated as case number 20 Civ. 10642).

At this time, there is no implementation of the 2020 Rule as a preliminary injunction has stayed the effective date of the 2020 Rule and enjoined EPA from implementing the 2020 revisions. Therefore, until further notice, the 2015 WPS remains in effect with no changes to the AEZ provisions. This preliminary injunction is in effect until August 18, 2021, but could be extended as the litigation is ongoing. The 2020 Rule is concurrently undergoing review per the Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.” [EPA website]

The main email message from Ryan Yarger (further below) was not meant to be relayed to the States in its entirety. The WPS Quarterly call mentioned is only for EPA WPS contacts and not States, and the date was also incorrectly stated as "next week" when it is actually in late July. Sorry for any confusion.

Donald

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For pesticide information visit <http://www.epa.gov/pesticides/> or <http://npic.orst.edu/>

R5 Bed Bug Hotline at 866/644-2200 or bedbugs@umn.edu

To report environmental violations visit <https://www.epa.gov/pesticide-incidents>

Life Lesson: We do not stop playing because we grow old; we grow old because we stop playing.

Have a Bed Bug Free Day!!

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From: Amy Sullivan

Sent: Thursday, June 24, 2021 2:52 PM

To: aapco.sfireg

Subject: FW: AEZ Status Update for SLAs - updated stay date (AEZ injunction extended until August 18)

Forwarded by AAPCO

Amy Sullivan

Executive Secretary

AAPCO-SFIREG

406-431-3176

<https://aapco.org>

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From: Yarger, Ryne <Yarger.Ryne@epa.gov>

Sent: Thursday, June 24, 2021 11:17 AM

To:

Subject: AEZ Status Update for SLAs - updated stay date (AEZ injunction extended until August 18)

Hi everyone,

In advance of next week's WPS quarterly call, I just wanted to send you all a status update on the AEZ litigation. The stay on the 2020 AEZ rule has been extended. This preliminary injunction is in effect until **August 18, 2021**, but could be extended as the litigation is ongoing. The 2015 WPS rule continues to be implemented.

Thanks,

Ryne Yarger

Certification and Worker Protection Branch

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